

Court No. - 53

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 28305 of 2023

Applicant :- Naseem

Opposite Party :- State of U.P.

Counsel for Applicant :- Deepak Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the applicant and the learned A.G.A. for the State and perused the record.

Supplementary affidavit filed by learned counsel for the applicant is taken on the record.

The present bail application has been filed by the applicant in Case Crime No.88 of 2023, under Section 3 (1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station-Badhapur, District- Bijnor with the prayer to enlarge him on bail.

Learned counsel for the applicant contended that in the gang chart three cases have been shown in which the accused-appellant has been granted bail. Learned counsel for the applicant further submitted that apart from cases shown in the gang chart, criminal history of the five cases has been explained in supplementary affidavit. The applicant is innocent and has been falsely implicated in the present case. The applicant who is in jail since 26.05.2023 undertakes that he will not misuse the liberty of bail. It is further submitted that there is also no possibility of applicant either fleeing away from the judicial process or tampering with the witnesses.

Learned A.G.A. opposed the prayer for bail but not disputed the aforesaid facts.

Considering the rival contentions of the parties, the material on record, attending circumstances and in the opinion of the Court, a case for bail is made out.

Accordingly, the bail application is **allowed**.

Let the applicant- **Naseem** involved in the aforesaid case, be enlarged on bail on his executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

The party s hall file computer generated copy of such order downloaded from the official website of High Court, Allahabad.

The concerned Court shall verify the authenticity of such computerized copy of the order from the official website of High Court, Allahabad and shall make a declaration of such verification in writing.

This bail order would be subject to the fulfillment of following conditions:-

1. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
2. The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.
3. The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court default of this condition is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of his bail and proceed against him in accordance with law.

Order Date :- 12.10.2023

Sachin